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Jones Day
222 East 41st Street
New York, New York 10017

In re Application of
AEBI et al.
Application No.: 10/538,950
PCT No.: PCT/CH02/000707
Int. Filing: 17 December 2002
Priority Date: None
Attorney Docket No.: LUS-16100
For: INTERVERTEBRAL IMPLANT

DECISION ON PETITION

This decision is in response to applicants' "Reply to Decision on Petition under 1.47(a)" filed 25 January 2007. In a decision dated 29 November 2006, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of inventor, Max Aebi, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 25 January 2007 with the present renewed petition was executed by the named inventor, the previous nonsigning inventor, Max Aebi. The declaration filed 25 January 2007 is acceptable under 37 CFR 1.497(a)-(b).

However, as stated in the previous Decision on Petition dated 29 November 2006, the declaration filed on 19 September 2006, executed by Dominique Burkard; Robert Frigg; and Beat Lechman, is defective and is insufficient to satisfy the oath or declaration requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America. Specifically, the declaration included non-translated foreign language text handwritten thereon. (See 37 CFR 1.69) Therefore, a newly executed declaration by Dominique Burkard, Robert Frigg, and Beat Lechman is required.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

A proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). A proper response must include a newly executed declaration (by Dominique Burkard; Robert Frigg; and Beat Lechman) in compliance with 37 CFR 1.497(a)-(b).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read "Anthony Smith". The signature is written in a cursive, flowing style.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459